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May 20, 2022

BY ECF

The Honorable Pamela K. Chen
United States District Judge

Re: *Heaston v. The City of New York*, 19 CV 5569 (PKC) (VMS)

Dear Judge Chen:

At the oral argument I was in an unenviable position to go against Your Honor and question her decision. I meant to highlight some items that might have escaped my mind during the argument.

First, I wanted to highlight *New York Cent. R.R. v. Johnson*, 279 U.S. 310, 318-19, 73 L. Ed. 706, 49 S. Ct. 300 (1929) which held that “[t]he public interest requires that the court of its own motion, as is its power and duty, protect suitors... where such paramount considerations are involved [sanctioning counsel], the failure of counsel to particularize an exception will not preclude [the] court from correcting the error.” In the event the Court concludes that I waived my right to raise any issue in my “opposition” or that I waived my right to participate in the hearing, Your Honor is not precluded from “correcting [my] error.”¹

Second, as I pointed out to the Court, I only had Ms. Kirkland’s home address and nothing else. The information was disclosed during the Covid-19 Pandemic when the City was essentially shut down, and during a period in which I was twice infected with the Covid-19 virus and its accompanying symptoms.

Lastly, the Court approved my application to withdraw as counsel for plaintiff without requiring an affidavit and with no objections from the City.

¹ In addition, although at the oral argument, I acknowledged receipt of the City’s motion and reply papers in support of Rule 11 sanctions, I did not read them until after the Court issued its decision.

Thank you allowing this to be part of the record.

Respectfully,

/s
Vik Pawar (VP9101)

Cc: *All Counsel*